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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/767,057 | 01/30/2004 | Ichiro Atobe | 0042-0492P | 5480 |

2292 7590 08/29/2006

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| EXAMINER |
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MAYES, DIONNE WALLS

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| ART UNIT | PAPER NUMBER |
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1731

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/767,057 | ATOBE ET AL. | |
| | Examiner | Art Unit | |
| | Dionne Walls Mayes | 1731 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on June 16, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted to 10/767,056 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over CN 2031615 in view of Tani et al (US. Pat. No. 6,457,475).

CN 2031615 discloses a filter which comprises two adsorbent sections (2) having a filter section (3) therebetween (Fig. 4), said filter being wrapped by a wrapper (1). The adsorbent sections can comprises activated carbon, zeolites, and any number of substances alone or in a mixture of two or more. It would have been obvious to one having ordinary skill in the art at the time of the invention to have placed one type of adsorbent in one adsorbent section (2) and another type of adsorbent in the other adsorbent section (2) in order to ensure that the smoke that goes through the first section is removed of certain smoke particles particularly susceptible to being adsorbed by one type of adsorbent, and the smoke that goes through the second filter is removed

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of certain other smoke particle that are particularly susceptible to being adsorbed by another type of adsorbent. Further, while there may be no disclosure that the filter materials are individually wrapped with a plug wrap paper; forming paper for wrapping the filter sections integrally, and tipping paper covering the forming paper, it would have been obvious to one having ordinary skill in the art at the time of the invention to have wrapped the filters in this manner since, as evidenced by Tani et al – such wrapper arrangement is known in the tobacco art (See fig. 2).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over CN 2031615.

CN 2031615 discloses a filter which comprises two adsorbent sections (2) having a filter section (3) therebetween (Fig. 4), said filter being wrapped by a wrapper (1). The adsorbent sections can comprise activated carbon, zeolites, and any number of substances alone or in a mixture of two or more. While CN 2031615 may not disclose that this filter arrangement is provided in a cigarette holder, as claimed, this is not deemed to patentably distinguish the claims from this reference because it is well-known that cigarette holders often comprise filters located therein. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the filter of CN 2031615 in any of the conventional filtered cigarette holders in order to receive the benefits of improved adsorbing capacity these filters exhibit.

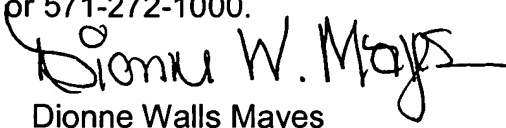
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne Walls Mayes whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Dionne Walls Mayes
Primary Examiner
Art Unit 1731

August 24, 2006